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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
P4455,01 DIV

In re Application of:

Name: Robert F. Baugh, et al.

Application Number: 09/330,544

Filed: June 11, 1999

For: TEST CARTRIDGE FOR EVALUATING BLOOD PLATELET FUNCTIONALITY

The owner, Medtronic, Inc., of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,972,712. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

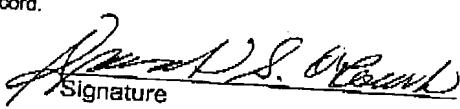
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.


Signature

3-5-04
Date

Sarah O'Rourke, Reg. 41,226

The Commissioner is authorized to charge Deposit Account No. 50-1123 for payment of the Terminal disclaimer fee of \$110.00 under 37 CFR 1.20(d).

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